

Article - Health Occupations

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§8–316.

(a) Subject to the hearing provisions of § 8–317 of this subtitle, the Board may deny a license or grant a license, including a license subject to a reprimand, probation, or suspension, to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the applicant or licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or for another;

(2) Fraudulently or deceptively uses a license;

(3) Is disciplined by a licensing, military, or disciplinary authority in this State or in any other state or country or convicted or disciplined by a court in this State or in any other state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(5) Willfully and knowingly:

(i) Files a false report or record of an individual under the licensee's care;

(ii) Gives any false or misleading information about a material matter in an employment application;

(iii) Fails to file or record any health record that is required by law;

(iv) Obstructs the filing or recording of any health record as required by law; or

(v) Induces another individual to fail to file or record any health record as required by law;

(6) Knowingly does any act that has been determined by the Board, in its rules and regulations, to exceed the scope of practice authorized to the individual under this title;

(7) Provides professional services while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(8) Does an act that is inconsistent with generally accepted professional standards in the practice of registered nursing or licensed practical nursing;

(9) Is grossly negligent in the practice of registered nursing or licensed practical nursing;

(10) Has violated any provision of this title;

(11) Submits a false statement to collect a fee;

(12) Is physically or mentally incompetent;

(13) Knowingly fails to report suspected child abuse in violation of § 5–704 of the Family Law Article;

(14) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;

(15) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control and Prevention's guidelines on universal precautions;

(16) Is in independent practice and fails to display the notice required under § 8–506 of this title;

(17) Is in breach of a service obligation resulting from the applicant's or licensee's receipt of State or federal funding for the applicant's or licensee's nursing education;

(18) Has a substance use disorder;

(19) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5–101 of the Criminal Law Article;

(20) Fails to cooperate with a lawful investigation conducted by the Board;

(21) Is expelled from the safe practice program established pursuant to § 8–208 of this title for failure to comply with the conditions of the program;

(22) Delegates nursing acts or responsibilities to an individual that the applicant or licensee knows or has reason to know lacks the ability or knowledge to perform;

(23) Delegates to an unlicensed individual nursing acts or responsibilities the applicant or licensee knows or has reason to know are to be performed only by a registered nurse or licensed practical nurse;

(24) Fails to properly supervise individuals to whom nursing acts or responsibilities have been delegated;

(25) Engages in conduct that violates the professional code of ethics;

(26) Is professionally incompetent;

(27) Practices registered nursing or licensed practical nursing without a license before obtaining or renewing a license, including any period when practicing registered nursing or licensed practical nursing on an expired license or a lapsed license;

(28) When holding an expired license or a lapsed license or after a temporary license has expired in accordance with § 8–315(c) of this subtitle, commits any act that would be grounds for disciplinary action under this section;

(29) Practices registered nursing or licensed practical nursing on a nonrenewed license for a period of 16 months or longer;

(30) Violates regulations adopted by the Board or an order from the Board;

(31) Performs an act that is beyond the licensee's knowledge and skills;

(32) Fails to submit to a criminal history records check in accordance with § 8–303 of this subtitle;

(33) When acting in a supervisory position, directs another nurse to perform an act that is beyond the nurse’s knowledge and skills;

(34) When acting in a supervisory position, directs another nurse to delegate a nursing task to an individual when that nurse reasonably believes:

(i) The individual lacks the knowledge and skills to perform the task; or

(ii) The patient’s condition does not allow delegation of the nursing task;

(35) Has misappropriated the property of a patient or a facility; or

(36) Fails to comply with § 1–223 of this article.

(b) If, after a hearing under § 8–317 of this subtitle, the Board finds that there are grounds under subsection (a) of this section to suspend or revoke a license to practice registered nursing or licensed practical nursing, to reprimand a licensee, or place a licensee on probation, the Board may impose a penalty not exceeding \$5,000 instead of or in addition to suspending or revoking the license, reprimanding the licensee, or placing the licensee on probation.

(c) In addition to any sanction authorized under this section, the Board may require a licensee to comply with specified terms and conditions determined by the Board.

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